



#17

PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
1340-1-017**RECEIVED**

FEB 05 2001

First named inventor: Elaine I. Tuomanen et al

Application No.: 09/056,019

Group Art Unit: 1645

Filed: April 7, 1998

Examiner: M. Allen

OFFICE OF PETITIONS

Title: A POLYPEPTIDE COMPRISING THE AMINO ACID OF AN N-TERMINAL CHOLINE
BINDING PROTEIN A TRUNCATE, VACCINE DERIVED THEREFROM AND USES
THEREOFAttention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$_____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,240 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in May 24, 2000
the form of a Response to the Office Action of/ (identify type of reply):

- ☒
- has been filed previously on _____
-
- ☐
- is enclosed herewith.

B. The issue fee of \$_____

- ☐
- has been paid previously on _____
-
- ☐
- is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.02/05/2001 GTEFFERA 00000072 111153 09056019
01 FC:141 1240.00 CH

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3. Terminal disclaimer with disclaimer fee

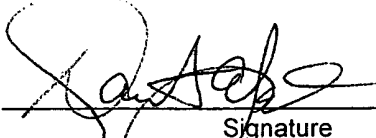
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1/31/2001
Date

Telephone
Number: (201) 487-5800


Signature

David A. Jackson

Typed or printed name
411 Hackensack Avenue

Address
Hackensack, New Jersey 07601

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OFFICE OF PETITIONS

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Copy of earlier mailed response

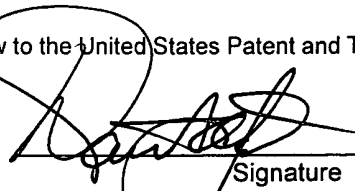
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

1/31/2001
Date


Signature

David A. Jackson

Type or printed name of person signing certificate

DAC/IF

PTO/SB/17 (11-00)
Approved for use through 10/31/2002. OMB 0551-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL

FEB 02 2001

for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$1,240.00)

Complete if Known

Application Number 09/056,019
Filing Date April 7, 1998
First Named Inventor Elaine I. Tuomanen et al
Examiner Name M. Allen
Group Art Unit 1645
Attorney Docket No. 1340-1-017

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FEB 05 2001

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 11-1153
Deposit Account Name KLAUBER & JACKSON

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

	Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)	Code (\$)		
101 710	201 355		Utility filing fee	
106 320	206 160		Design filing fee	
107 490	207 245		Plant filing fee	
108 710	208 355		Reissue filing fee	
114 150	214 75		Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims -20** = X =
Independent Claims -3** = X =
Multiple Dependent =

	Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)	Code (\$)		
103 18	203 9		Claims in excess of 20	
102 80	202 40		Independent claims in excess of 3	
104 270	204 135		Multiple dependent claim, if not paid	
109 80	209 40		** Reissue independent claims over original patent	
110 18	210 9		** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

	Large Entity	Small Entity	Fee Description	Fee Paid
Code (\$)	Code (\$)	Code (\$)		
105 130	205 65		Surcharge - late filing fee or oath	
127 50	227 25		Surcharge - late provisional filing fee or cover sheet	
139 130	139 130		Non-English specification	
147 2,520	147 2,520		For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*		Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*		Requesting publication of SIR after Examiner action	
115 110	215 55		Extension for reply within first month	
116 390	216 195		Extension for reply within second month	
117 890	217 445		Extension for reply within third month	
118 1,390	218 695		Extension for reply within fourth month	
128 1,890	228 945		Extension for reply within fifth month	
119 310	219 155		Notice of Appeal	
120 310	220 155		Filing a brief in support of an appeal	
121 270	221 135		Request for oral hearing	
138 1,510	138 1,510		Petition to institute a public use proceeding	
140 110	240 55		Petition to revive - unavoidable	
141 1,240	241 620		Petition to revive - unintentional	
142 1,240	242 620		Utility issue fee (or reissue)	
143 440	243 220		Design issue fee	
144 600	244 300		Plant issue fee	
122 130	122 130		Petitions to the Commissioner	
123 130	123 130		Petitions related to provisional applications	
126 180	126 180		Submission of Information Disclosure Stmt	
581 40	581 40		Recording each patent assignment per property (times number of properties)	
146 710	246 355		Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355		For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355		Request for Continued Examination (RCE)	
169 900	169 900		Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,240.00)

SUBMITTED BY

Name (Print/Type) David A. Jackson

Registration No. 26,742
(Attorney/Agent)

Complete (if applicable)

Telephone (201)487-5800

Signature

Date January 31, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.